IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

FRANCIS KEISTNER, JR.,)
Plaintiff,)
v.) NO. 3:22-cv-00040
METRO NASHVILLE POLICE) JUDGE CAMPBELL
DEPARTMENT, et al.,) MAGISTRATE JUDGE HOLMES
Defendants.))

Pending before the Court is a Report and Recommendation from Magistrate Judge Holmes, which was filed on May 13, 2023, recommending this action be dismissed without prejudice for failure to properly serve the defendants. (Doc. No. 41). The Report and Recommendation advised the parties that any objections to Judge Holmes' findings were to be filed within fourteen days of service. (*Id.* at 4).

ORDER

Instead of filing objections to Judge Holmes' Report and Recommendation, Plaintiff filed a Notice of Appeal. (Doc. No. 42). Only July 25, 2023, the Sixth Circuit Court of Appeals dismissed the appeal for lack of jurisdiction. (*See* Doc. No. 47). In light of the foregoing, the Court extended the time for Plaintiff to file objections to Judge Holmes' Report and Recommendation to August 25, 2023. (Doc. No. 49).

On August 25, 2023, Plaintiff mailed a Motion for Extension of Time, which the Court received on August 31, 2023. (Doc. No. 51). Through the Motion for Extension of Time, Plaintiff stated that "due to unbearable circumstances as this time" he was not able to comply with the extended deadline to file any objections. (*See id.*). On September 1, 2023, the Court granted Plaintiff's Motion for Extension of Time and set a new extended deadline of September 25, 2023,

for Plaintiff to file any objections to Judge Homes' May 12, 2023, Report and Recommendation.

(See Doc. No. 51). In the same Order, the Court warned Plaintiff that "[r]equests for further

extension will not be granted absent extraordinary circumstances which must be described with

particularity." (Id. at 2). The Court further warned that "[a] general averment to unspecified

circumstances, unbearable or otherwise, will not constitute good cause for an extension." (Id.).

The Court is in receipt of Plaintiff's Motion to Compel Defendants to Answer/Reply to

Plaintiff's Complaint, which was mailed on September 25, 2023. (Doc. No. 52). Through the

Motion, Plaintiff requests that the Court compel Defendants to file a responsive pleading to his

complaint. (See id. at 1-2). Plaintiff further requests additional time to respond/comply to the

Court's Order entered on September 1, 2023, (see id.), which the Court construes as a request for

extension of time to file objections to Judge Homes' May 12, 2023, Report and Recommendation.

Plaintiff does not provide any basis for his requested extension of time. Nor does he argue good

cause for his requested extension. Having failed to show good cause, Plaintiff's request for an

extension of time to file objections to Judge Homes' May 12, 2023, Report and Recommendation

is **DENIED**.

The Court has reviewed the Report and Recommendation and concludes it should be

adopted and approved. Accordingly, this action is **DISMISSED** without prejudice for failure to

effect service of process. The Clerk is directed to close the file.

It is so **ORDERED**.

WILLIAM L. CAMPBELL, JR

UNITED STATES DISTRICT JUDGE